



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,888	09/09/2003	Alan Earl Swahn		2635

7590  
ALAN EARL SWAHN  
95 KARA DRIVE  
NORTH ANDOVER, MA 01845

EXAMINER
----------

WHIPPLE, BRIAN P

ART UNIT	PAPER NUMBER
----------	--------------

2152

MAIL DATE	DELIVERY MODE
-----------	---------------

06/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/657,888

Examiner

Brian P. Whipple

Applicant(s)

SWAHN, ALAN EARL

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 19 May 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an **after-final** amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

\_\_\_\_\_  
Legal Instruments Examiner (LIE), if applicable

\_\_\_\_\_  
Telephone No.



Continuation of 4(e) Other: Applicant has only submitted two pages of the previous claim set. Each claim submission should be a complete listing of all of the claims, as checked for box A above. Examiner believes Applicant has misconstrued the meaning of "the correction required is only the corrected section of the non-compliant amendment" as stated below in the time periods for reply to mean that Applicant need only submit the pages with the non-compliant material on them. The meaning of this phrase is that Applicant need only submit the claims as opposed to resubmitting the entire amendment (e.g., drawings, specification, abstract, etc.). See MPEP 714, II, (F): which states "a notice should consist of the corrected section of the amendment (e.g., a complete claim listing in compliance with 37 CFR 1.121(c)) instead of the entire corrected amendment."

Submitting only the two amended pages of the claims is non-compliant, because it would lead to confusion for both Applicant and Examiner in not having a complete correct list of claims in one document in the USPTO record. Applicant may overcome this notice of non-compliance by resubmitting all five claim pages: being the corrected claim pages for claims 1-18 (labeled pages 2-3) of the amendment filed 5/19/08 along with the claim pages for claims 19-33 as previously submitted on 1/8/08 (labeled pages 4-6). These five claim pages should be submitted together in order to have a complete listing of all of the claims present.

Applicant is encouraged to contact Examiner Brian P. Whipple at (571) 270-1244 if Applicant needs any guidance or explanation of how to properly respond or with any other questions or comments.

Brian P. Whipple  
/B.P.W./  
Examiner, Art Unit 2152  
6/1/08

/Bunjoo Jaroenchonwanit/  
SPE, Art Unit 2152